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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,885	05/17/2005	Hans-Ernst Beyer	10191/3713	5105
26646	7590	03/09/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			VO, HIEU T	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 10, 2005 has been acknowledged and placed in the file. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Federal Republic of Germany on 09 July 2002. It is noted, however, that applicant has not filed a certified copy of the Foreign application (Appl. No. 102 30 834.9) as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 23-25 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a tangible device such as a computer medium storage asserted utility or a well established utility.

As per claim 23, the claim contains a computer program with a set of instructions per se without any medium storage to be claimed.

Claims 23-25 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a tangible device such as a computer medium storage asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Allowable Subject Matter

5. Claims 14-22 and 26-28 are allowed over the prior art of record.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A-D are cited as being state of the art.

CONTACT INFORMATION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEU T. VO whose telephone number is 571-272-4854. The examiner can normally be reached on M-F, 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY C. YUEN can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HIEU T. VO
Primary Examiner
Art Unit 3747
3/6/08

HTV